

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

D'ALAN RAMONE THURMOND,

Defendant.

No. CR 05-2023

ORDER

I. INTRODUCTION AND BACKGROUND

On August 25, 2005, Defendant filed a Motion to Suppress (docket no. 14). On September 12, 2005, United States Chief Magistrate Judge John A. Jarvey filed a Report and Recommendation (docket no. 22) in which he recommends that Defendant's Motion to Suppress be denied. Defendant filed a motion entitled "Objection to the Report and Recommendations" (docket no. 24). In the motion, however, Defendant explained that he had no objections to Chief Magistrate Judge Jarvey's Report and Recommendation. The court, therefore, undertakes the necessary review of Chief Magistrate Judge Jarvey's recommendation to deny Defendant's Motion to Suppress.

II. ANALYSIS

Pursuant to statute, this court's standard of review for a magistrate judge's report and recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the

findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's report and recommendation on dispositive motions, where objections are made, as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).


In this case, no objections have been filed, and it appears to the court upon review of Chief Magistrate Judge Jarvey's findings and conclusions, that there is no ground to reject or modify them.

III. CONCLUSION

IT IS ORDERED:

- (1) The court **ADOPTS** Chief Magistrate Judge Jarvey's Report and Recommendation of September 12, 2005 (docket no. 22).
- (2) The court **DENIES** Defendant D'Alan Ramone Thurmond's Motion to Suppress (docket no. 14).
- (3) The time between the filing of Defendant's Motion and the date of this Order is excluded from calculation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(F) (delay resulting from pretrial motions, from the filing of the motion through the hearing or other disposition of the motion).

DATED this 3rd day of October, 2005.



LINDA R. READE
JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA